

House Study Bill 240 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act relating to the process of adopting county comprehensive
2 plans and zoning restrictions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 335.4, Code 2019, is amended to read as
2 follows:

3 **335.4 Areas and districts.**

4 ~~For any and all of said purposes~~ In accordance with section
5 335.8, the board of supervisors may divide the county, or
6 any area or areas within the county, into districts of such
7 number, shape, and area as may be deemed best suited to carry
8 out the purposes of **this chapter**; and within such districts
9 it may regulate and restrict the erection, construction,
10 reconstruction, alteration, repair, or use of buildings,
11 structures or land. All such regulations and restrictions
12 shall be uniform for each class or kind of buildings throughout
13 each district, but the regulations in one district may differ
14 from those in other districts. When each area is divided
15 into a district, it shall be based on the primary use of the
16 property within the area with consideration of each landowner's
17 intended future use.

18 Sec. 2. Section 335.5, subsection 2, Code 2019, is amended
19 to read as follows:

20 2. The regulations shall be made with reasonable
21 consideration, among other things, as to the character of
22 the area of the district and the peculiar suitability of
23 such area for particular uses, and with a view to conserving
24 the value of buildings, land, and businesses and encouraging
25 the most appropriate use of land throughout such county.
26 The regulations shall include reasonable accommodations for
27 secondary, accessory, and incidental uses of property in each
28 district.

29 Sec. 3. Section 335.5, subsection 4, paragraph a, Code 2019,
30 is amended to read as follows:

31 a. A comprehensive plan recommended for adoption or
32 amendment by the zoning commission established under section
33 335.8, may be adopted by the board of supervisors. The board
34 of supervisors shall not discuss the substance of the plan,
35 hold a public hearing, or take action until it has received a

1 final report of the recommendation from the zoning commission.
2 The board of supervisors may amend a proposed comprehensive
3 plan or amendment prior to adoption. The board of supervisors
4 shall publish notice of the meeting at which the comprehensive
5 plan will be considered for adoption. The notice shall be
6 published as provided in [section 331.305](#).

7 Sec. 4. Section 335.5, subsection 4, paragraph c, Code 2019,
8 is amended by striking the paragraph.

9 Sec. 5. Section 335.8, subsection 1, Code 2019, is amended
10 to read as follows:

11 1. In order to avail itself of the powers conferred by this
12 chapter, the board of supervisors shall appoint a commission, a
13 majority of whose members shall reside within the county but
14 outside the corporate limits of any city, to be known as the
15 county zoning commission, to recommend the boundaries of the
16 various original districts and appropriate regulations and
17 restrictions to be enforced therein. Only eligible electors
18 who reside within the area to be regulated by the county
19 zoning ordinance may be appointed. Such commission shall,
20 with due diligence, prepare a preliminary report and hold
21 public hearings thereon before submitting its final report; and
22 the board of supervisors shall not discuss the boundaries or
23 the substance of the regulations, hold its public hearings,
24 or take action until it has received the final report of
25 such commission. After the adoption of such regulations,
26 restrictions, and boundaries of districts, the zoning
27 commission may, from time to time, recommend to the board of
28 supervisors amendments, supplements, changes or modifications.

29 Sec. 6. Section 335.11, Code 2019, is amended to read as
30 follows:

31 **335.11 Membership of board.**

32 The board of adjustment shall consist of five members, a
33 majority of whom shall reside within the county but outside the
34 corporate limits of any city, each to be appointed for a term
35 of five years, excepting that when the board shall first be

1 created one member shall be appointed for a term of five years,
2 one for a term of four years, one for a term of three years,
3 one for a term of two years, and one for a term of one year.
4 Only eligible electors who reside within the area regulated by
5 the county zoning ordinance may be appointed. Members shall be
6 removable for cause by the appointing authority upon written
7 charges and after public hearing. Vacancies shall be filled
8 for the unexpired term of any member whose term becomes vacant.

9 Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate
10 importance, takes effect upon enactment.

11 Sec. 8. RETROACTIVE APPLICABILITY. This Act applies
12 retroactively to May 1, 2018, to comprehensive plans adopted
13 on or after that date. A comprehensive plan not in compliance
14 with this Act shall be invalid until readopted in a manner
15 consistent with this Act.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to the process of adopting county
20 comprehensive plans and zoning restrictions.

21 Under current law, a county zoning commission recommends a
22 comprehensive plan to the county board of supervisors. The
23 board of supervisors establishes regulations for districts
24 within the jurisdiction of the county.

25 The bill requires a board of supervisors to consider the
26 primary use of property with consideration of a landowner's
27 intended future use when designating an area into a district.
28 The bill requires regulations to allow for reasonable
29 accommodations for secondary, accessory, and incidental uses
30 of property in a district. The bill prohibits a board of
31 supervisors from discussing the substance of a comprehensive
32 plan or zoning regulations or holding a public hearing or
33 taking action on a comprehensive plan until the board has
34 received a final report of the recommendation from the county
35 zoning commission. The bill removes the ability of the board

1 of supervisors to amend a comprehensive plan at any time. The
2 bill requires that a county zoning commission and a board of
3 supervisors consist of only those persons who are eligible
4 electors that reside within the area to be regulated by the
5 county zoning ordinance.

6 The bill takes effect upon enactment. The bill applies
7 retroactively to any comprehensive plan adopted on or after May
8 1, 2018. A comprehensive plan that is not in compliance with
9 the bill shall be invalid until adopted in a manner consistent
10 with the bill.